

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS

In re:)	Case No. 23-53043
)	
WELCOME GROUP 2,)	Chapter 11 (JA)
)	
Debtors-in Possession.)	Judge Nami Khorrami
)	

UNITED STATES TRUSTEE’S REPORT TO COURT ON RSS WFCM2019-C50-OH WG2, LLC’S MOTION TO APPOINT EXAMINER (Docket No. 172)

The U.S. Trustee reviewed RSS WFCM2019-C50-OH WG2, LLC’s Motion to Appoint Examiner (Motion, Docket No. 172). The U.S. Trustee has no objection¹ to the appointment of an examiner should the Court find the evidence presented at the hearing on August 14, 2024 (Docket No. 209) sufficient to do so.

However, the United States Trustee wishes to call to the attention of the Court that the Motion requests the Court appoint BW Arpeggio as examiner (*see*, Motion, page 12 of 34; *see also*, Motion, Docket No. 172-2, Exhibit B, pages 1-4 of 16). 11 U.S.C. § 1104 sets forth the procedure for appointment of an Examiner:

“If the court orders the appointment of a trustee or an examiner,...., then the United States trustee, after consultation with parties in interest, shall appoint, subject to the court’s approval, one disinterested person other than the United States trustee to serve as trustee or examiner, as the case may be, in the case.”²

The proposed Order attached to the Motion definitively appoints BW Arpeggio (*see*, Motion, Docket No. 172-1, Exhibit A, page 2 of 4), but this procedure does not comply with the aforementioned statutory scheme for doing so. The U.S. Trustee requests this if the evidence supports appointment, any subsequent Order direct the

¹ To the extent that this comment or report on the statutory process is viewed as an objection, counsel for the U.S. Trustee respectfully requests leave instanter to inform the Court of the same.

² 11 U.S.C. § 1104(d).

U.S. Trustee to appoint an Examiner, which then would be subject to Court approval via motion, notice, and an opportunity to be heard as required by 11 U.S.C. § 1104(d).

Dated: July 2, 2024

Andrew R. Vara
United States Trustee for Regions 3 and 9

/s/ Pamela Arndt

Pamela Arndt (0068230)

U.S. Department of Justice, Office of the U.S. Trustee

170 North High Street, Suite 200

Columbus, OH 43215

Telephone: (614) 469-7415

Facsimile: (614) 469-7448

Email: Pamela.D.Arndt@usdoj.gov

Trial Attorney for the U.S. Trustee

CERTIFICATE OF SERVICE

I certify that on or about July 2, 2024, a copy of the foregoing UNITED STATES TRUSTEE'S REPORT TO COURT ON RSS WFCM2019-C50-OH WG2, LLC'S MOTION TO APPOINT EXAMINER was served (i) electronically on the date of filing through the court's ECF System on all ECF participants registered in this case at the email address registered with the court and (ii) on the following by ordinary U.S. Mail addressed to:

Welcome Group 2, LLC
5955 East Dublin Granville Road
New Albany, OH 43054

Ohio Department of Taxation
P.O. Box 530
Columbus, OH 43216

By: /s/ Pamela Arndt
Pamela Arndt